

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID E. MACK,

Plaintiff,

v.

EQUABLE ASCENT FINANCIAL, LLC

Defendant.

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CASE NO. 4:11-cv-793

JOINT 26(f) SCHEDULING CONFERENCE REPORT

1. A factual and legal description of the case which also sets forth the elements of each cause of action and each defense.

Plaintiff has filed a one-count Complaint alleging violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. ("FCRA"). Plaintiff alleges that, beginning in or around February, 2009, Defendant obtained the TransUnion consumer credit report of the Plaintiff with no permissible purpose.

Defendant has filed an Answer to Plaintiff's Complaint, which denies the material allegations therein and asserts various affirmative defenses thereto.

2. The date the Rule 26(f) conference was held, the names of those persons who were in attendance and the parties they represented.

The parties' Rule 26(f) conference was held on March 9, 2012. The parties were represented by:

David Mack – Pro Se Plaintiff, and

Keith Wier – Attorney for Defendant.

3. A list of any cases that are related to this case and that are pending in any state or federal court with the case numbers and court along with an explanation of the status of those cases.

There are no related pending cases that the parties are aware of at this time.

4. An agreed discovery/case management plan, if agreement can be reached, which will be used by the Court to prepare a Scheduling Order (a sample Scheduling Order form is enclosed which must be used by the parties; the Scheduling Order shall be filed as an attachment to the joint conference report), and which includes deadlines for the following:
 - a. Joining additional parties;
05/02/2012
 - b. Filing amended pleadings;
10/04/2012
 - c. Filing any motions to transfer, to remand, to dismiss, for summary judgment, or other dispositive motions;
11/09/2012
 - d. Disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule 26(b);
08/06/2012
 - e. Filing any objections or challenges to any other party's experts
09/04/12
 - f. Pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3); and
11/26/12
 - g. Completion of all discovery.
11/05/12
5. A suggested date for the Final Pretrial Conference (see enclosed list of the Court's available Final Pretrial Conference dates) at which time the trial will be scheduled;
12/03/12
6. The expected length of trial;

Trial in this matter is expected to last 1-2 days.

7. Whether the parties jointly agree to trial before a magistrate judge (the parties should seriously consider this option given that **the District Judge is now setting jury trials approximately 11 months out from the date of final pretrial**);

The parties at this time do consent to trial before a Magistrate Judge.

8. Whether a jury demand has been made; and

Plaintiff has requested trial by jury.

9. **Whether any party requests a scheduling conference with the Court.**

At this time the parties do not anticipate the need for a scheduling conference with the Court.

Dated: March 9, 2012

RESPECTFULLY SUBMITTED,

//s// David Mack
7720 McCallum Blvd., #2099
Dallas, Texas 75252
(972) 735-9642 Telephone
Pro Se Plaintiff

Dated: March 9, 2012

RESPECTFULLY SUBMITTED,

//s// Keith Wier
Keith Wier
BUSH & RAMIREZ, LLC
5615 Kirby Dr. Suite 900
Houston, Texas 77005
(713) 626-1555 Telephone
kwier@bushramirez.com
Attorney for Defendant